

**SUPREME COURT MINUTES  
MONDAY, MAY 3, 1999  
SAN FRANCISCO, CALIFORNIA**

S068112 People, Plaintiff and Respondent

v.

Donald Dwayne Franklin, Defendant and Appellant  
The judgment of the Court of Appeal is reversed.

Chin, J.

We Concur:

George, C.J.

Mosk, J.

Kennard, J.

Werdegar, J.

Dissenting Opinion by Brown, J.

I Concur:

Baxter, J.

S078539 In re Manuel Pina Babbitt

on

Habeas Corpus

Petitioner's and respondent's requests for judicial notice of the record in *People v. Babbitt*, S004455; *In re Babbitt on Habeas Corpus*, Crim. 24440, S009386, S029756; and those portions and excerpts of the record of *Babbitt v. Calderon*, Civ. 89-01047-WBS (E.D. Cal), and *Babbitt v. Calderon*, No. 97-9901 (9th Cir.), previously filed or lodged with this court, are granted.

Petitioner's fourth petition for a writ of habeas corpus is denied.

Claims A, B, C and D each are denied on the merits.

Claim A, to the extent based on trial counsel's failure to question the prosecutor's peremptory challenge of African-American prospective jurors, also is barred as untimely under *In re Robbins* (1998) 18 Cal.4th 770, and *In re Clark* (1993) 5 Cal.4th 750.

Claim D, to the extent based on exhibits 16 through 19, also is

barred as repetitious. (*In re Clark*, *supra*, 5 Cal.4th 750.)

Petitioner's request for an emergency stay of execution is denied.

Mosk and Kennard, JJ. would issue an order to show cause on Claim C and stay the execution of the sentence of death.

Brown, J., did not participate.

2nd Dist.  
B122976

In re Brandon P., a Person Coming Under the Juvenile Court Law

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Los Angeles County Dept. of Children & Family Svcs., Respondent

v.

Darrin J., Appellant

The time for granting or denying review on the court's own motion is hereby extended to and including June 1, 1999, or the date upon which review is either granted or denied. Rule 28(a)(1), California Rules of Court.

S071500

Thomas A. Bockrath, Appellant

v.

Aldrich Chemical Company et al., Respondents

The request of counsel for appellant in the above-referenced cause to allow two counsel to argue on behalf of appellant at oral argument is hereby granted.

S071500

Thomas A. Bockrath, Appellant

v.

Aldrich Chemical Company et al., Respondents

The request of appellant to allocate to amicus curiae Consumer Attorneys of California 10 minutes of appellant's 30-minute allotted time for oral argument is granted.

S072065

Jose Carillo, Respondent

v.

ACF Industries, Inc., Appellant

The request of counsel for respondent in the above-referenced cause to allow two counsel to argue on behalf of respondent at oral argument is hereby granted.

S072065 Jose Carillo, Respondent

v.

ACF Industries, Inc., Appellant

The request of respondent to allocate Jerome L. Ringer  
15 minutes of respondent's 30-minute allotted time for oral argument  
is granted.

S010808 People, Respondent

v.

Jack Gus Farnam, Appellant

The application of appellant for permission to file an overlength  
reply brief is granted.